

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
S/S Windsor Mill Rd., 1600 ft. ZONING COMMISSIONER  
(+/-) W of Old Court Road \*  
8715 Windsor Mill Road \* OF BALTIMORE COUNTY  
2nd Election District \* Case Nos. 92-422-A  
2nd Councilmanic District \*  
William Randolph Sturgeon, et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for that property known as 8715 Windsor Mill Road.

The Petitioner/property owner by his Petition seeks a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 60 ft. (+/-) to the centerline of Windsor Mill Road; a variance to permit a 20 ft. (+/-) right side yard setback and 40 ft. (+/-) left side yard setback, in lieu of the required 50 ft. for each; and a variance from Section 301.1 of the B.C.Z.R. to permit a 9 ft. (+/-) setback from an existing open projection (covered patio, open on three sides) to the proposed property line, in lieu of the minimum 37.50 ft. required. All of the variances are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

William R. Sturgeon, the property owner, appeared and was represented by Douglas L. Burgess, Esquire. Also appearing on behalf of the Petition was James W. McKee, the engineer who prepared the plat. There were no Protestants present.

Testimony offered at the hearing disclosed that the subject property, which currently might be described as being rectangularly shaped with a

handle, is divided into two (2) parcels. Parcel No. 1 is the "handle" and parcel No. 2 is the rectangular shaped property. The total area is 11.5 acres. Most of the property is zoned R.C.5, but for a small portion zoned R.C.2 which lies on the west side of the rectangularly shaped parcel. The Petitioner proposes to subdivide the property into two tracts, to be known as proposed parcel A and parcel 2. Parcel A will feature the existing dwelling which fronts Windsor Mill Road and will be approximately 1 acre in area. It will include the entire "handle" (currently known as parcel 1) and a portion of parcel 2. It will be a narrow, yet deep, lot extending from Windsor Mill Road. The remaining land shown as proposed parcel 2 will be approximately 10.5 acres. The Petitioner has obtained a contract purchaser for parcel A and will retain parcel 2 for his own use and possible future development.

Further evidence offered at the hearing disclosed that the Petitioner is exempt from Division 2 of the Baltimore County Development Regulations and has, therefore, obtained approval for his subdivision. However, while obtaining this exemption, the Baltimore County Waiver Advisory Committee recommended that a 50 ft. strip be carved from parcel A to leave road access from Windsor Mill Road to proposed parcel 2. Without the creation of this 50 ft. wide strip, proposed parcel 2 would be landlocked. Further, as a result of the creation of this strip, two of the subject variances are needed. Specifically, the right side yard variance of 20 ft. (+/-) as well as the variance related to the covered concrete patio are necessary. As to the other variances, 60 ft. on the front yard and 40 ft. on the left side yard, they are necessary to legitimize an existing condition.

-2-

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variances would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

This practical difficulty is clearly shown; in that, if the subject variances were denied, the parcel proposed as parcel No. 2 would be landlocked and inaccessible. Further, as indicated above, the Petitioner seeks only the legitimization of the existing location of the dwelling on proposed parcel A. Thus, the Petition for Zoning Variances should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18<sup>th</sup> day of June, 1992 that a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 60 ft. (+/-) to the centerline of Windsor Mill Road, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to permit a 20 ft. (+/-) right side yard setback and 40 ft. (+/-) left side yard setback, in lieu of the required 50 ft. for each, be and is hereby GRANTED; and,

-3-

IT IS FURTHER ORDERED that a variance from Section 301.1 of the B.C.Z.R. to permit a 9 ft. (+/-) setback from an existing open projection (covered patio, open on three sides) to the proposed property line, in lieu of the minimum 37.50 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES/mmm

ORDER RECEIVED FOR FILING  
Date 6/18/92  
By M. Brack

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

June 18, 1992

Douglas L. Burgess, Esquire  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Case No. 92-422-A  
Petition for Zoning Variance  
William Randolph Sturgeon, et ux

Dear Mr. Burgess:

Enclosed please find the decision rendered in the above captioned cases. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
att.  
cc: Mr. and Mrs. William R. Sturgeon



Petition for Variance

to the Zoning Commissioner of Baltimore County 92-422-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.3B.3 to permit a front setback of 60 feet +/- to the centerline to remain; and to permit a 20 foot +/- right side setback to proposed property line and 40 foot +/- left side setback in lieu of the required 50 feet for each, (continued on Page Two) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty.)

The owners shown hereon are desirous of creating a 50 foot wide right-of-way to provide access to a parcel of ground to the rear of their property. The requested variances are to accommodate the right-of-way as well as amend existing deficient RC-5 setback conditions. The owners would experience practical difficulty in as much as the dwelling exists and separate in fee access to the rear parcel does not currently exist. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

William Randolph Sturgeon

(Type or Print Name)

Signature

Carol Loraine Sturgeon

(Type or Print Name)

Signature

1120 Dairy Road 329-2124

Address

Parkton, Maryland 21120

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

McKee & Associates, Inc.

Name

5 Shawan Road, Hunt Valley, MD 21030

Address Phone No. (410) 527-1555

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING (1/2HR. + 1HR.)

AVAILABLE FOR HEARING

ALL MON./TUES./WED. - NEXT TWO MONTHS

REVIEWED BY: JLB DATE 4/22

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (301) 527-1555

Facsimile: (301) 527-1563

Petition for Variance  
8715 Windsor Mill Road  
Page Two

(CONTINUED FROM PAGE ONE)

.... and from Section 301.1 to permit a 9 foot +/- setback from an existing open projection (covered patio, open on three sides) to proposed property line, in lieu of the minimum 37.50 feet required.

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (301) 527-1555

Facsimile: (301) 527-1563

April 27, 1992

ZONING DESCRIPTION  
8715 WINDSOR MILL ROAD  
2ND ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point situated in the centerline of Windsor Mill Road, also known as Windsor Mill Road Extended, said point being situated 1,600 feet +/- from the centerline of Old Court Road; thence running with and binding on the centerline of Windsor Mill Road, North 64° 30' West 100.00 feet; thence leaving said road and running, South 25° 30' West 180 feet +/- to a point; thence South 30° 56' West 175 feet +/- to a point; thence South 54° 39' East 140 feet +/- to a point; thence North 30° 56' East 175 feet +/- to a point; thence North 54° 39' West 38.7 feet +/- to a point; thence North 25° 30' East 200.00 feet +/- to the point of beginning. Containing 43,560 square feet or 1.0 acres of land, more or less. Being known as 8715 Windsor Mill Road, lying in the Second Election District of Baltimore County, Maryland.

92-422-A

92-422 A

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 2 Date of Posting: 5/23/92

Posted for: Variance

Petitioner: William Randolph and Carol Louise Sturgeon

Location of property: 85 Windsor Mill Rd, 1600 E 41st St

Location of Sign: on front of 215 W. M. H.

Remarks: See attached

Posted by: William R. Sturgeon Date of return: 5/23/92

Number of Signs: 1

BALTIMORE COUNTY, MARYLAND  
OFFICE OF REVENUE DIVISION  
UNIVERSAL CASH RECEIPT

DATE: 4/28/92 ACCOUNT: R001-6150

AMOUNT: \$ 50.00

RECEIVED FROM: WILLIAM R. STURGEON

FOR: RES. VAR FILING FEE

CASH RECEIPT NO: 0440480048NCHRC \$50.00

VALIDATION OR SIGNATURE OF CASHIER: [Signature]

**receipt**

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date: 5/4/92 Account: R001-6150 Number: H9200447

PAID PER HAND-WRITTEN RECEIPT DATED 4/28/92

PUBLIC HEARING FEES	QTY	PRICE
010 -ZONING VARIANCE (IRL)	1 X	\$50.00
TOTAL:		\$50.00

LAST NAME OF OWNER: STURGEON

Please Make Checks Payable To: Baltimore County

**receipt**

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date: 6/05/92 Account: R001-6150 Number: H9200500

92-422

PUBLIC HEARING FEES	QTY	PRICE
080 -POSTING SIGNS / ADVERTISING	1 X	\$34.70
TOTAL:		\$34.70

LAST NAME OF OWNER: STURGEON

Please Make Checks Payable To: Baltimore County \$34.70

Cashier Validation: [Signature]

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

DATE: 5/26/92

William and Carol Sturgeon  
1120 Dairy Road  
Puckett, Maryland 21120

RE: CASE NUMBER: 92-422-A  
S/S Windsor Mill Road, 1600' (1/2) W of Old Court Road  
S/S Windsor Mill Road  
2nd Election District - 2nd Councilmember  
Petition (s): William Randolph and Carol Louise Sturgeon

Dear Petitioner(s):

Please be advised that \$34.70 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL BE LOST. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 115, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your funds, immediate attention to this matter is suggested.

[Signature]  
ARNOLD JABLON  
DIRECTOR

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

MAY 6, 1992

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-422-A  
S/S Windsor Mill Road, 1600' (1/2) W of Old Court Road  
S/S Windsor Mill Road  
2nd Election District - 2nd Councilmember  
Petition(s): William Randolph and Carol Louise Sturgeon  
HEARING: THURSDAY, JUNE 9, 1992 at 9:00 a.m.

Notice: To permit a front setback of 60 (4/2) feet to the centerline resulting to permit a 30 (1/2) foot right side setback to proposed property line and a 40 (1/2) foot left side setback in lieu of the required 50 foot for each and to permit a 9 (1/2) foot setback from an existing open production (covered patio, open on three sides) to proposed property line in lieu of the minimum 37.5 foot required.

[Signature]  
Lawrence E. Schmidt  
Zoning Commissioner of Baltimore County

cc: William and Carol Sturgeon  
McKee & Associates Inc.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. 5/14, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/14, 1992

THE JEFFERSONIAN,  
S. Zake Olson  
Publisher

\$49.70

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 887-3353

May 27, 1992

Mr. & Mrs. William Sturgeon  
1120 Dairy Road  
Pawton, MD 21120

RE: Item No. 447, Case No. 92-422-A  
Petitioner: William R. Sturgeon, et ux  
Petition for Variance

Dear Mr. & Mrs. Sturgeon:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 887-3353

Your petition has been received and accepted for filing this 20th day of April, 1992.

[Signature]  
ARNOLD JABLON  
DIRECTOR

Received By:  
W. Carl Richards Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: William R. Sturgeon, et ux  
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 7, 1992  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for May 11, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for the following properties:

Scripps Howard Broadcasting Company  
6400 York Road

Huntington Development Corporation  
3216 Hunting Tweed Drive

Waldon J. Stevanus & Margaret O. Stevanus  
8524 Vollmert Avenue

Rita L. Ruff  
1307 Elm Road

Jeffrey W. Sheldon & Charles H. Sheldon  
211 Nicodemus Road

Eric vanden Beemt & Patricia vanden Beemt  
16616 Resare Road

Wm R. Sturgeon & Carol L. Sturgeon  
8715 Windsor Mill Road

Warren E. Downey & Linda M. Downey  
1227 Weddel Avenue

ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:DAK:s

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING  
New Courts Building  
401 Bosley Avenue  
Towson, MD 21204

**MEMORANDUM**

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief  
Development Review Section  
Office of Planning and Zoning

DATE: May 12, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - May 4, 1992

The Office of Planning and Zoning has no comments on the following petitions:

William & Carol Sturgeon - Item 447

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3311.

5.4.92a/txt  
Petitions.txt

**RECEIVED**  
MAY 19 1992  
ZONING OFFICE



BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: May 7, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: May 4, 1992

LEGAL OWNER: W.R. Sturgeon 447

There are no comments for this site.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJT/dm

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

FROM: Mr. J. Lawrence Pilson  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #447 (Sturgeon)  
8715 Windsor Mill Road  
Zoning Advisory Committee Meeting May 4, 1992

DATE: May 14, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:BKB:sp  
JABLON/S/TXTSBP

RECEIVED  
MAY 19 1992  
ZONING OFFICE

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

MAY 8, 1992

(301) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: WILLIAM RANDOLPH STURGEON AND CAROL LORRAINE STURGEON

Location: 88715 WINDSOR MILL ROAD  
Item No.: 447 (JLL) Zoning Agenda: MAY 4, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/KEK

RECEIVED  
MAY 11 1992  
ZONING OFFICE

Department of Recreation and Parks  
Development Review Committee Response Form

Authorized signature: *[Signature]* Date: 5/4/92

Project Name: 1500 Glencoe Road - Oldfields School, Inc.  
File Number: STP DEPRM RP (To EIRD)  
Waiver Number: 432  
Zoning Issue: CR-92-399-XA  
Meeting Date: 4-27-92

COUNT 1

✓ George Raduano And Elizabeth Raduano 5-4-92  
DED DEPRM RP STP TE #440 No Comments  
✓ Scripps Howard Broadcasting Company  
DED DEPRM RP STP TE #441 No Comments  
✓ Huntington Development Corporation (Hunting Tweed Drive)  
DED DEPRM RP STP TE #442 No Comments  
✓ Waldon J. And Margaret O. Stevanus  
DED DEPRM RP STP TE #443 No Comments  
✓ Rita L. Ruff  
DED DEPRM RP STP TE #444 No Comments  
✓ Jeffery W. And Charles H. Sheldon  
DED DEPRM RP STP TE #445 No Comments  
✓ Eric and Patricia vanden Beemt  
DED DEPRM RP STP TE #446 No Comments  
✓ William R. And Carol L. Sturgeon  
DED DEPRM RP STP TE #447 No Comments  
✓ Larry R. And Dianna L. Long  
DED DEPRM RP STP TE #448 No Comments  
✓ Warren E. And Linda M. Downey  
DED DEPRM RP STP TE #449 No Comments

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS  
William R. Sturgeon 1120 Navy Rd. Park Ten, Md.  
James W. McKee 5 Shawan Rd, Hunt Valley Md 21030  
Douglas L. Burgess 210 W. Frank Ave., Towson, MD 21204

MCKEE & ASSOCIATES, INC.  
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030  
Telephone: (410) 527-1555  
Facsimile: (410) 527-1563  
June 9, 1992

Re: Curriculum Vitae

To Whom It May Concern:

The following is a list of my education and experience setting forth my qualifications as a registered surveyor and real estate developer.

I have graduated from Bucknell University (1969) with a Bachelor of Science degree in civil engineering. I am currently a registered surveyor in the states of Maryland and Pennsylvania and am the Vice President of the Maryland Society of Surveyors and a member of that Board of Directors. I am also a member of the American Congress on Surveying and Mapping. I am President of McKee & Associates, Inc. and have been practicing in my business in the areas of engineering, surveying, and real estate development since 1973.

In the 19 years I have been in business, we have assisted builders, developers, realtors, attorneys, and other individuals in the Baltimore Metropolitan Area providing a full range of development, subdivision, and surveying services.

I have also personally been involved in numerous real estate developments in which I have been a general partner. In these, I have been responsible for purchasing of the land, processing plans through the appropriate municipalities, arranging financing for acquisition and development, having the infra-structure of the development constructed, and then selling the lots. Through this experience, I have been qualified as an expert witness in surveying and real estate development before the Baltimore County Zoning Commissioner, Board of Appeals, district court, and circuit court.

I trust the above is sufficient for your needs. Should you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,  
MCKEE & ASSOCIATES, INC.  
*[Signature]*  
James W. McKee, L. S., President

JWM:ajw

MCKEE & ASSOCIATES, INC.  
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030  
Telephone: (301) 527-1555  
Facsimile: (301) 527-1563

March 19, 1992

Mr. David Thomas, P. E.  
Baltimore County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Sturgeon Property  
Windsor Mill Road

Dear Mr. Thomas:

Please find enclosed, herewith, documents for a waiver request under Bill No. 1-92, Section 26-171.A.(9), lot line adjustment in (DR or RC) residential zones which are not part of an approved development plan or zoning plan.

On the plat attached, the property exists in two parcels. Both parcels are zoned RC-5. The parcel which fronts on Windsor Mill Road is improved by an existing house, well, and septic system. The parcel in the rear (approximately 11 acres) is unimproved. It is the owner's intent to sell the existing house and enough acreage out of the rear parcel to meet the minimum lot size requirement of the RC-5 zone (1 acre).

We feel that as per the above referenced section of Bill No. 1-92 that our client should be able to convey the property, as described, by metes and bounds, and not be subject to the subdivision process. There is also a hardship issue, wherein our client has entered into a contract with a buyer to sell and settle this piece of property on June 12, 1992. There is no doubt in my mind that if our client has to enter the subdivision process, he will not be able to meet the time constraints of his contract.

A zoning variance will be required for the side setback to the house, since we propose to allow an approximate 30 foot access to the rear portion of this property. If we did not do this, the rear parcel would become landlocked. Because we are going through the zoning variance process, we will be subject to Zoning Advisory Committee review and comment, which would insure County review agency input. I would hope that this would be sufficient and further support our waiver request from the subdivision regulations. Although, we have to file for a zoning variance, we feel with an reasonable amount of certainty, that our zoning case can be concluded by the June 12, 1992 settlement date.

Letter to Mr. David Thomas, P. E.  
Re: Sturgeon Property  
Windsor Mill Road  
March 19, 1992  
Page Two

Thank you in advance for your review and consideration of this request. Should you have any question or require additional information, please do not hesitate to contact me.

Very truly yours,  
MCKEE & ASSOCIATE, INC.  
*[Signature]*  
James W. McKee, L. S., President

JWM:ajw

cc: Randy Sturgeon

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

April 8, 1992

(410) 887-3353

Mr. and Mrs. William R. Sturgeon  
1120 Dairy Road  
Parkton, Maryland 21120

Re: Sturgeon Property  
W-92-49

Dear Mr. and Mrs. Sturgeon:

We have reviewed your waiver application for the above property and have determined that the proposal for which your request a waiver is EXEMPT from Division 2 of the Baltimore County Development Regulations pursuant to Section 26-171(a) of the Baltimore County Code as a lot line adjustment.

The Waiver Advisory Committee recommends, however, that a 50 foot wide access be conveyed to the remainder parcel in order to provide adequate public access. If the applicant chooses to retain the 30 foot wide access as shown, the future development of the remainder parcel would be limited to 3 lots. A note indicating that limitation must be placed on the subdivision plan, zoning petition plan and any other plan. Any further subdivision of the remainder parcel would be subject to the Baltimore County Development Regulations.

If you have any questions, please contact Christine Rorke, Zoning Administration and Development Management (ZADM) at 887-3335.

Respectfully yours,

*Donald T. Rescoe*  
Donald T. Rescoe  
Development Manager

DTR:cab

cc: Lisa Pulling, McKee and Associates, Inc., 5 Shawan Road, Hunt Valley, MD 21030  
Brent Flickinger, Office of Planning, M.S. 3402  
David Thomas, Assistant Bureau Chief, attn. Susan Wimbley, M.S. 1301  
Brenda Payne, Public Services, M.S. 1301  
Waiver File

RECEIVED APR 11 1992

paid  
47-49  
2-2

SECTION 26-171 WAIVER REQUEST FORM

1. General Information and Requirements for Submittal: 3 COPIES OF THE INFORMATION

1. Name of Development and location: Sturgeon Property, south side of Windsor Mill Road

2. Owner's name: Sturgeon, William Randolph & Carol L.

3. Owner's address and phone number: 1120 Dairy Road, Parkton, Maryland 21120 329-2124

4. Applicant's name (if other than owner): Lisa Pulling, c/o McKee & Associates, Inc.

5. Applicant's address and phone number: 5 Shawan Road, Hunt Valley, Maryland 21030

6. Liber/folio: P-619; 5939/161, P-748; SAME 527-1355

7. Tax account number: P-619: 0205150090, P-748: 0205150001

8. Site plan at appropriate scale and vicinity sketch: 3 COPIES EACH (scale not to 48")

9. 1986 200' scale aerial photograph with subject site outlined and road network identified: 3 COPIES EACH (scale not to 48")

10. Signature of Applicant or Owner, Date: Lisa Pulling 3-18-92

11. Reason for Waiver Request: Check appropriate reason. MUST ATTACH STATEMENT FOR JUSTIFICATION OF REQUEST

☒ (1) Lot line adjustment, including the combination of lots or parcels.

☐ (2) The subdivision of property pursuant to court order, a will, or the loss of intestate succession.

☐ (3) Amendment to an approved plan or that will not materially alter the proposed development.

☐ (4) The subdivision of land in an approved agricultural land preservation district for the purpose of the conveyance of title to the owner or his children pursuant to Title 2, Subtitle 5 of the Agriculture Article of the Annotated Code of Maryland.

☐ (5) The subdivision of a farm tract into two lots.

☐ (6) The subdivision of land in an S.C. zone if no new roads are required.

☐ (7) The subdivision of land into three or fewer lots for residential single-family dwelling.

☐ (8) A commercial development of land involving only one building for a single use.

☐ (9) A minor development.

☐ (10) The construction of public buildings.

☐ (11) The construction of accessory structures.

☐ (12) Any proposed development, if the Director finds that compliance with these regulations would be unnecessary heretofore MUST ATTACH STATEMENT SPECIFYING NATURE OF WAIVER.

12. NATURE OF WAIVER:

☒ Waiver of CUP Plan

☒ Waiver of Zoning

☒ Waiver of Record Plan

☒ Waiver of Public Hearing

☒ Specify which standard(s) and submit a justification letter for waiver. See letter attached

13. STATE:

☒ Approved EXEMPT

☐ Denied

☐ Approved

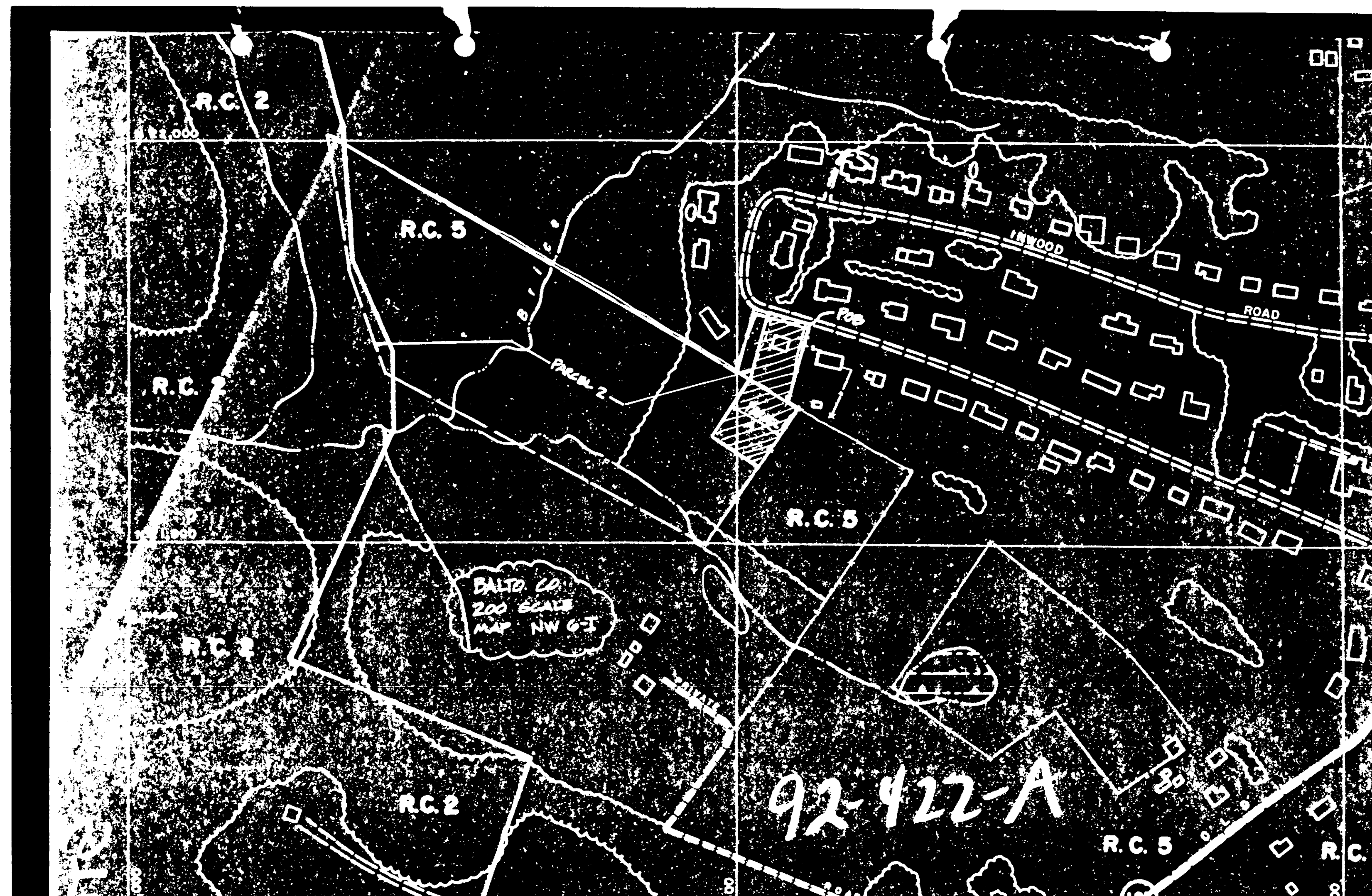
☐ Denied

*P.D. Fields 4/8/92*  
Director of Planning and Zoning

Baltimore County Planning Board

\*A waiver of CUP meeting does not waive the need for an Approved Plan.

Rev. 3/27/87





# NOTES

1. EXISTING ZONING : RC-5, RC-2
2. COUNCILMANIC DISTRICT : 2
3. TO THE BEST OF OUR KNOWLEDGE, THERE HAVE BEEN NO PREVIOUS ZONING HEARINGS ON THIS SITE
4. THIS SITE IS SERVED BY PRIVATE WELL & SEPTIC.
5. THE PROPERTY SHOWN HEREON HAS BEEN HELD INTACT BY THE OWNERSHIP SHOWN SINCE 1978. NO SUBDIVISION OF THESE PARCELS HAS OCCURED SINCE 1969.

COLE EDGAR G & JOYCE S  
8715 WINDSOR MILL ROAD  
DEED REF. 5035/122  
TAX ACCT. NO. 02-02-473900  
ZONING : RC-5  
RESIDENTIAL

ANDERSON RICHARD W & HILKA R  
8715 WINDSOR MILL ROAD  
DEED REFERENCE : 4303/447  
TAX ACCT. NO. : 02-02-340228  
ZONING : RC-5  
RESIDENTIAL

PARCEL TWO  
(SEE PROPERTY DETAIL)  
(RC-5, RC-2)

RICHARDS, RAY B & DORIS L  
8717 WINDSOR MILL ROAD  
DEED REFERENCE : 1991/183  
TAX ACCT. NO. : 02-10-350220  
ZONING : RC-5  
RESIDENTIAL

AUGUST, EWALD J & SHIRLEY A  
9030 OLD COURT ROAD  
DEED REFERENCE : 0706/121  
TAX ACCT. NO. : 02-02-000020  
ZONING : RC-5  
AGRICULTURAL

VICINITY MAP  
SCALE : 1" = 100'

ELURICH FARMS INCORPORATED  
2829 OFFUTT ROAD  
DEED REFERENCE : 2829/293  
TAX ACCT. NO. : 02-02-190101-01-02  
ZONING : RC-2  
AGRICULTURAL

PARCEL TWO  
(RC-5, RC-2)  
(10.5 AC. ±)

BRYANT, C. CLAG O. & PATRICIA A  
8715 WINDSOR MILL ROAD  
DEED REFERENCE : 7924/399  
TAX ACCT. NO. : 02-10-450312  
ZONING : RC-5  
RESIDENTIAL - UNIMPROVED

DEED REFERENCE : 0182/710  
TAX ACCT. NO. : 02-01-018210  
ZONING : RC-5  
RESIDENTIAL - UNIMPROVED

AREAS  
EXISTING :  
PARCEL ONE : 22030 SF or 0.46 AC. ±  
PARCEL TWO : 480,031 SF or 11.02 AC. ±  
PROPOSED :  
PARCEL A : 1.0 AC. ± (DENSITY FOR 1 SFU)  
PARCEL Z : 10.5 AC. ± (DENSITY FOR 1 SFU)

PROPERTY DETAIL  
SCALE : 1" = 100'

92-422-A

PLAT TO ACCOMPANY  
PETITION FOR ZONING VARIANCES

# 8715 WINDSOR MILL ROAD

2ND ELECTION DISTRICT  
SCALE : AS SHOWN

BALTIMORE CO., MD  
APRIL 10, 1992

## OWNERS

WILLIAM RANDOLPH STURGEON & CAROL LORAIN STURGEON  
1120 DAIRY ROAD  
PARKTON, MD 21120  
DEED REFERENCE : 5939/161  
PROPERTY ACCOUNT No. : 02-05-150001

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development  
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030  
(301) 527-1555

Ref No